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EXAMINER	
ADDY, THUAN KNOWLIN	
ART UNIT	PAPER NUMBER
2614	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/760,530	POUSTCHI ET AL.	
	Examiner	Art Unit	
	THJUAN K. ADDY	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 August 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on April 03, 2009 has been entered. Claims 17, 21, 22, 25, and 53 have been amended. No claims have been cancelled. Claim 60 has been added. Claims 1-60 are now pending in this application, with claims 1, 17, 22, 25, 26, 28, 30, 31, 40, 42, 43, and 53 being independent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Amick (US 6,088,437).

3. In regards to claims 1 and 43, Amick discloses a network device (e.g., Virtual Network Call Processor 20 **or** office/destination telephone 11, See Fig. 4) and an article of manufacture adapted to receive an incoming call (e.g., the incoming call from the call forward mechanism in the local telephone equipment, in which the incoming call was originally sent to the recipient's office/destination telephone 11 **or** the incoming call from source telephone 1) (See col. 7 lines 37-53), the network device comprising: a call forwarding function (e.g., Call PULLBACK mechanism 22, See Fig. 4) adapted to: if the

incoming call received at the network device was intended for an other network device (e.g., intended recipient's home office 28 or mobile phone 26), look-up (via a list of stored candidate numbers at which the intended recipient may be located) a call forwarding destination (e.g., home office 28 number or mobile phone 26 number) on behalf of the other network device, and respond (e.g., by forwarding) to the incoming call with the call forwarding destination (See col. 8 lines 17-59).

4. In regards to claims 2, 18, 44, and 54, Amick discloses a network device and article of manufacture, wherein the call forwarding function is adapted to provide call forwarding information (e.g., ANI and/or caller identification {XYZ Engineering Company]) to another network device defined as a backup for the network device (See col. 7 lines 12-30, col. 8 lines 17-22, and col. 8 lines 53-58).

5. In regards to claims 3, 19, 45, and 55, Amick discloses a network device and article of manufacture, wherein the network device is defined as a backup network device for the other network device (See col. 7 lines 40-56).

6. In regards to claims 4, 20, 46, and 56, Amick discloses a network device and article of manufacture, wherein the look-up is performed locally at the network device (See col. 8 lines 30-35).

7. In regards to claims 5 and 21, Amick discloses a network device, comprising a call processing module (e.g., Virtual Network Call Processor 20) adapted to process the incoming call, the processing module comprising the call forwarding function (e.g., Call PULLBACK mechanism 22) (See col. 7 lines 12-26).

8. In regards to claims 6, 47, and 57, Amick discloses a network device and article

of manufacture, comprising: a user interface adapted to receive a user input enabling call forwarding, wherein responsive to the user input the call processing module is further adapted to deliver call forwarding functionality by, while call forwarding is enabled, upon receipt of the incoming call: if the incoming call was intended for the network device (e.g., office/destination telephone 11), looking-up an other call forwarding destination (e.g., intended recipient's home office 28 or mobile phone 26) and responding to the incoming call with the other call forwarding destination (See col. 8 lines 17-59).

9. In regards to claim 7, Amick discloses a network device, wherein upon receipt of the incoming call, the call processing module (e.g., Virtual Network Call Processor 20) is adapted to respond to the incoming call with the call forwarding destination only if the incoming call is not answered before a timeout (for example, if the intended recipient is busy, or if there is no answer) (See col. 7 lines 40-53).

10. In regards to claim 8, Amick discloses a network device, comprising an audio interface adapted to generate a ringing signal upon receipt of the incoming call, the call processing module being adapted to respond to the incoming call with the call forwarding destination only if the incoming call is not answered before a number of rings (See col. 10 lines 1-9).

11. In regards to claims 9 and 23, Amick discloses a network device, wherein the call forwarding destination is provided in the form of a message sent in response to the incoming call referring a network device having the call forwarding destination as a forwardee of the call (See col. 3 lines 39-50).

12. In regards to claims 10 and 48, Amick discloses a network device, wherein the call processing module is further adapted to: initiate an other call to an other network device; and responsive to receiving a first message in response to initiating the other call, the first message containing an other call forwarding destination, send a second message to a network having the other call forwarding destination to set up a connection (See col. 7 lines 12-30).

13. In regards to claims 11 and 49, Amick discloses a network device and article of manufacture, wherein the call processing module is further adapted to: if there is no response to the first message, look-up a second other call forwarding destination (e.g., mobile phone 26) and initiate a call to a network device having the second other call forwarding destination (See col. 8 lines 30-44).

14. In regards to claim 12, Amick discloses a network device, wherein the network device having the second other call forwarding destination is defined as a backup network device for the network device having the other call forwarding destination (See col. 7 lines 40-56).

15. In regards to claims 13, 32, 34, and 50, Amick discloses a network device and article of manufacture, wherein the call processing module is further adapted to participate in a call forwarding of a first other call from a first other network device to a second other network device, the second other network device initiating a second other call to the network device, by: establishing a media path with the first other network device (See col. 9 lines 1-13).

16. In regards to claim 14, Amick discloses a network device, wherein the call

processing module comprises an unconditional call forwarding option for enabling/disabling unconditional call forwarding, the call processing module being further adapted to: a) if the call was intended for the network device: if unconditional call forwarding is enabled, perform call forwarding on the incoming call (See col. 8 lines 17-59).

17. In regards to claims 15, 24, 38, 51, and 58, Amick discloses a network device and article of manufacture, wherein the network device is one of a terminal set, a packet based telephone, a video phone, a PC (Personal Computer), a PDA (Personal Digital Assistant), a soft phone, a wireless device, and a wireless telephone (See col. 5 lines 4-10).

18. In regards to claims 16, 39, 52, and 59, Amick discloses a network device and article of manufacture, wherein the network device is a VOIP (Voice over Internet Protocol) telephone (See col. 9 lines 1-13).

19. In regards to claims 17 and 53, Amick discloses a network device (e.g., office/destination telephone 11, See Fig. 4) and article of manufacture adapted to receive an incoming call (e.g., incoming call from source telephone 1), the network device comprising: a call processing function (e.g., Virtual Network Call Processor 20) adapted to: if the incoming call received at the network device was intended for the network device, enable a user to answer the incoming call at the network device (See col. 10 lines 51-63); and a call forwarding function (e.g., Call PULLBACK mechanism 22, See Fig. 4) adapted to if the incoming call received at the network device was intended for an other network device (e.g., intended recipient's home office 28 or mobile

phone 26), look-up (via a list of stored candidate numbers at which the intended recipient may be located) a call forwarding destination (e.g., home office 28 number or mobile phone 26 number) on behalf of the other network device, and initiate a connection with a network device having the call forwarding destination (See col. 8 lines 17-59).

20. In regards to claim 22, Amick discloses a network device (e.g., office/destination telephone 11, See Fig. 4) adapted to receive an incoming call (e.g., incoming call from source telephone 1), the network device comprising: a call forwarding function (e.g., Call PULLBACK mechanism 22, See Fig. 4) adapted to: if the incoming call received at the network device was intended for an other network device, look-up (via a list of stored candidate numbers at which the intended recipient may be located) a call forwarding destination (e.g., home office 28 number or mobile phone 26 number) on behalf of the other network device, and initiate a connection with a network device having the call forwarding destination (See col. 8 lines 17-59); a call processing module (e.g., Virtual Network Call Processor 20) adapted to process the incoming call (e.g., the incoming call from source telephone 1), the processing module comprising the call forwarding function (See Fig. 4); and a user (e.g., recipient) interface adapted to receive a user input enabling call forwarding, wherein responsive to the user input the call processing module is further adapted to deliver call forwarding functionality by, while call forwarding is enabled, upon receipt of the incoming call (See 7 lines 12-30): if the incoming call was intended for the network device, looking-up (via a list of stored candidate numbers at which the intended recipient may be located) an other call

forwarding destination (e.g., home office 28 number or mobile phone 26 number) and initiate a connection with a network device having the other call forwarding destination (See col. 8 lines 17-59)

21. In regards to claim 25, Amick discloses a network device (e.g., office/destination telephone 11, See Fig. 4) adapted to receive an incoming call (e.g., incoming call from source telephone 1), the network device comprising: a call forwarding function (e.g., Call PULLBACK mechanism 22, See Fig. 4) adapted to: if the incoming call received at the network device was intended for an other network device (e.g., intended recipient's home office 28 or mobile phone 26), look-up (via a list of stored candidate numbers at which the intended recipient may be located) a call forwarding destination (e.g., home office 28 number or mobile phone 26 number) on behalf of the other network device, and initiate a connection with a network device having the call forwarding destination (See col. 8 lines 17-59), wherein the network device is a VoIP (Voice over Internet Protocol) telephone (See col. 9 lines 1-13).

22. In regards to claims 26, 28, 30, 31, and 40, Amick discloses a network device (e.g., Virtual Network Call Processor 20) and system adapted to participate in call forwarding, the network device comprising: a call forwarding function (e.g., Call PULLBACK mechanism 22, See Fig. 4) adapted to: for a call initiated with a first other network device (e.g., office/destination telephone 11, See Fig. 4), if the first other network device cannot be reached: look-up (via a list of stored candidate numbers at which the intended recipient may be located) a destination address (e.g., telephone number) for a second other network device (e.g., home office 28); initiate an other call

to the second other network device; and responsive to receiving a first message (e.g., signal) from the second other network device containing a call forwarding destination, response with a second message (e.g., signal) to a network device having the call forwarding destination for setting up another call (e.g., call to mobile phone 26), the call forwarding destination being obtained by the second other network device on behalf of the first network device (See col. 8 lines 17-59).

23. In regards to claim 27, Amick discloses a network device, wherein the call forwarding function is further adapted to: for the call initiated with the first other network device, if the first other network device can be reached: responsive to a receiving a third message from the first other network device containing the call forwarding destination, send a fourth message to the network device having the call forwarding destination for setting up a call (See col. 8 lines 17-59).

24. In regards to claim 29, Amick discloses a network device, wherein the call forwarding function is further adapted to: if the first other network device cannot be reached: i) look-up a new destination address; ii) initiate a call with a network device having the new destination address; and iii) responsive to a receiving a first message from the network device having the new destination address, the first message containing a call forwarding destination, send a second message to a network device having the call forwarding destination for setting up a call, the call forwarding destination being obtained by the network device having the new destination address on behalf of the first network device (See col. 8 lines 17-59).

25. In regards to claim 33, Amick discloses a system, wherein for each network

device, as the original destination network device the call forwarding function is adapted to: if the first call is not intended for the network device, looking-up the call forwarding destination on behalf of an other network device for which the first call is intended (See col. 8 lines 17-59)).

26. In regards to claim 35, Amick discloses a system, further comprising: a TTI (Thin Trunk Interface) having a call forwarding function adapted to provide local call forwarding functionality as a forwardee of a call for a network devices external to the network (See col. 8 lines 17-59).

27. In regards to claim 36, Amick discloses a system, further comprising: a TTI (Thin Trunk Interface) having a call forwarding function adapted to provide local call forwarding functionality as an originator of a call for a network devices external to the network (See col. 8 lines 17-59).

28. In regards to claim 37, Amick discloses a system, wherein for each network device: the second call is to a first other network device and as the originator network device the call forwarding function is adapted to: if the first other network device cannot be reached, look-up an address for a second other network device and send a message to the second other network device for setting up a call with the second other network device (See col. 8 lines 17-59).

29. In regards to claim 41, Amick discloses a network device, wherein for each network device: as the original destination network device, the call forwarding function is adapted to send a third message to a network device from which the first call originates, the third message containing a reference to the network device having the call

forwarding destination (See col. 8 lines 17-59).

30. In regards to claim 42, Amick discloses in a network device, a method comprising: responsive to receiving an incoming call from a first other network device: if the incoming call was intended for an other network device, looking-up a call forwarding destination on behalf of the other network device, and respond to the incoming call with the call forwarding destination (See col. 8 lines 17-59).

31. In regards to claim 60, Amick discloses the method, wherein responding to the incoming call with the call forwarding destination comprises sending a message (e.g., signal) to the first other network device (e.g., office/destination telephone 11) identifying the call forwarding destination (See e.g., home office 28 number or mobile phone 26 number) (See col. 8 lines 17-59).

Response to Arguments

32. Applicant's arguments filed 04/03/2009 have been fully considered but they are not persuasive.

33. In response to Applicants' argument, in regards to claims 1 and 42, that Amick does not respond to the incoming call with the call forwarding destination, and that Amick does not, for example, send the calling party information about the call forwarding destination, but rather attempts to connect other telephones, Examiner respectfully disagrees. Amick does respond (e.g., by forwarding) to the incoming call (e.g., the incoming call from the call forward mechanism in the local telephone equipment, in which the incoming call was originally sent to the recipient's

office/destination telephone 11 **or** the incoming call from source telephone 1) with the call forwarding destination (for example, the incoming call is forwarded to either home office 28 or mobile phone 26, in the event that office/destination telephone 11 is busy or does not answer) (See col. 7 lines 37-53 and col. 8 lines 17-59). Furthermore, claim 1 does not recite "**sending** the calling party **information** about the call forwarding destination".

34. In response to Applicants' argument, in regards to claim 6, that Amick does not show or suggest a system where calls intended for the network device are forwarded to a first destination and calls intended for an other network device are forwarded to an other destination, Examiner respectfully disagrees. Amick does show and suggest a system where calls intended for the network device (e.g., office/destination telephone 11) are forwarded to a first destination (e.g., intended recipient's home office 28) and calls intended for an other network device are forwarded to an other destination (e.g., intended recipient's mobile phone 26) (See col. 8 lines 17-59).

35. In response to Applicants' argument, in regards to claims 16 and 25, that Amick describe devices that can be called by the network device, but in no manner suggest that the network device [20] comprises a VOIP telephone, Examiner respectfully disagrees. Amick does describe and suggest that the network device comprises a VOIP telephone (See col. 9 lines 1-13).

36. In response to Applicants' argument, in regards to claim 17, that Amick does not show a call processing function that allows a user at Amick's network device to answer a call intended for the call processor, and that calls are not answered at Amicks network

device but are merely forwarded to other devices, Examiner respectfully disagrees. Amick does show a call processing function (e.g., Virtual Network Call Processor 20) that allows a user (e.g., recipient) at Amick's network device (e.g., office/destination telephone 11, See Fig. 4) to answer a call intended for the processor (See col. 10 lines 51-63).

37. In response to Applicants' argument, in regards to claim 22, that Amick does not show or suggest calls that are intended for network device [20] or looking up another call forwarding destination for calls intended for network device [20], Examiner respectfully disagrees. Amick does show and suggest calls that are intended for network device (e.g., office/destination telephone 11) or looking up (via a list of stored candidate numbers at which the intended recipient may be located) another call forwarding destination for calls intended for network device (See col. 8 lines 17-59).

38. In response to Applicants' argument, in regards to claims 26, 28, and 30, that nothing in Amick suggests that Amick's call processor receives a first message from the office telephone containing a call forwarding destination, and that Amick's call processor also does not respond with a second message to a network device having the call forwarding destination for setting up another call, Examiner respectfully disagrees. Amick does suggest a network device (e.g., Virtual Network Call Processor 20) and system adapted to participate in call forwarding, the network device comprising: a call forwarding function (e.g., Call PULLBACK mechanism 22, See Fig. 4) adapted to: for a call initiated with a first other network device (e.g., office/destination telephone 11, See Fig. 4), if the first other network device cannot be reached: look-up (via a list of stored

candidate numbers at which the intended recipient may be located) a destination address (e.g., telephone number) for a second other network device (e.g., home office 28); initiate an other call to the second other network device; and responsive to receiving a first message (e.g., signal) from the second other network device containing a call forwarding destination, response with a second message (e.g., signal) to a network device having the call forwarding destination for setting up another call (e.g., call to mobile phone 26), the call forwarding destination being obtained by the second other network device on behalf of the first network device (See col. 8 lines 17-59).

39. In response to Applicants' argument, in regards to claim 60, that Amick does not show or suggest that responding to the incoming call with the call forwarding destination comprises sending a message to the first other network device identifying the call forwarding destination, Examiner respectfully disagrees. Amick does show and suggest wherein responding to the incoming call with the call forwarding destination comprises sending a message (e.g., signal) to the first other network device (e.g., office/destination telephone 11) identifying the call forwarding destination (See e.g., home office 28 number or mobile phone 26 number) (See col. 8 lines 17-59).

Conclusion

40. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

41. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614